

## BILL HISTORY FOR ASSEMBLY BILL 714 (LRB -1095 )

An Act to amend 118.29 (2) (a) 3., 118.29 (2) (b) and 118.29 (4); and to create 118.29 (1) (bm) and 118.29 (2) (a) 2m. of the statutes; relating to: use of epinephrine auto-injectors on pupils by certain school employees and volunteers.

2000

02-03. A.	Introduced by Representatives <b>Wasserman, Sykora, Berceau, Boyle, Goetsch, Gronemus, Grothman, La Fave, J. Lehman, Musser, Pettis, Plouff, Richards, Ryba, Sinicki, Staskunas, Turner, Waukau and Skindrud</b> ; cosponsored by Senators <b>Darling, Wirch, Panzer, Roessler, Risser and Robson</b> .	
02-03. A.	Read first time and referred to committee on Education .....	634
02-22. A.	Assembly amendment 1 offered by Representative Wasserman ( <b>LRB a1416</b> ) .....	673
02-22. A.	Public hearing held.	
02-22. A.	Executive action taken.	
02-29. A.	Report Assembly amendment 1 adoption recommended by committee on Education, Ayes 15, Noes 0 .....	685
02-29. A.	Report passage as amended recommended by committee on Education, Ayes 15, Noes 0 .....	685
02-29. A.	Referred to committee on Rules .....	685
03-02. A.	Placed on calendar 3-8-2000 by committee on Rules.	
03-08. A.	Read a second time .....	719
03-08. A.	Assembly amendment 1 <b>adopted</b> .....	719
03-08. A.	Ordered to a third reading .....	719
03-08. A.	Rules suspended .....	719
03-08. A.	Read a third time and <b>passed</b> .....	719
03-08. A.	Ordered immediately messaged .....	719
03-09. S.	Received from Assembly .....	487
03-09. S.	Read first time and referred to committee on Education .....	487
03-15. S.	Public hearing held.	
03-16. S.	Executive action taken.	
03-21. S.	Report introduction and adoption of Senate amendment 1 recommended by committee on Education, Ayes 11, Noes 0 ( <b>LRB a1703</b> ) .....	511
03-21. S.	Report concurrence as amended recommended by committee on Education, Ayes 11, Noes 0 ..	511
03-21. S.	Available for scheduling.	
03-28. S.	Read a second time .....	543
03-28. S.	Senate amendment 1 <b>adopted</b> .....	543
03-28. S.	Ordered to a third reading .....	543
03-28. S.	Rules suspended .....	543
03-28. S.	Read a third time and <b>concurred in</b> as amended .....	543
03-28. S.	Ordered immediately messaged .....	545
03-30. A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted).	
03-30. A.	Senate amendment 1 <b>concurred in</b> .	
03-30. A.	Action ordered immediately messaged.	

**1999  
ENROLLED BILL**

99en A-B-714

**ADOPTED DOCUMENTS:**

☒ **Orig**    ☐ **Engr**    ☐ **SubAmdt**

99-10951-4

Amendments to above (if none, write "NONE"):

AAI, SAI

Corrections - show date (if none, write "NONE"):

none

Topic

Use of epinephrine auto-injectors  
on pupils by certain school employees

4/4/00

Date

[Signature]

Enrolling Drafter

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## 1999 ASSEMBLY BILL 714

February 3, 2000 – Introduced by Representatives WASSERMAN, SYKORA, BERCEAU, BOYLE, GOETSCH, GRONEMUS, GROTHMAN, LA FAVE, J. LEHMAN, MUSSER, PETTIS, PLOUFF, RICHARDS, RYBA, SINICKI, STASKUNAS, TURNER, WAUKAU and SKINDRUD, cosponsored by Senators DARLING, WIRCH, PANZER, ROESSLER, RISSER and ROBSON. Referred to Committee on Education.

- 1     **AN ACT to amend** 118.29 (2) (a) 3., 118.29 (2) (b) and 118.29 (4); and **to create**  
2             118.29 (1) (bm) and 118.29 (2) (a) 2m. of the statutes; **relating to:** use of  
3             epinephrine auto-injectors on pupils by certain school employes and  
4             volunteers.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, certain school bus operators and school employes and volunteers are immune from civil liability for administering drugs to pupils under certain circumstances. To qualify for the immunity, the school bus operator, employe or volunteer must administer the drug in compliance with the written instructions of the pupil's parent or guardian or, in the case of a prescription drug, the written instructions of a health care practitioner. In addition, the pupil's parent or guardian must consent to the administration in writing. Also, the school bus driver, employe or volunteer may not be a health care professional and his or her administration of the drug must not constitute a high degree of negligence. Finally, with respect to a school employe or volunteer, the employe's or volunteer's school administrator or principal must provide written authorization for the administration.

Under this bill, a school bus operator, employe or volunteer is also immune from civil liability for using an epinephrine auto-injector to administer epinephrine to a pupil who experiences a life-threatening allergic reaction. The bill defines "epinephrine auto-injector" as a device that is used for the automatic injection of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. To qualify for the immunity, the school bus operator, employe or volunteer

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must report the allergic reaction by dialing the telephone number "911" or the telephone number for an emergency medical service provider before using the epinephrine auto-injector. Also, as with the administration of drugs under current law, the school bus driver, employee or volunteer may not be a health care professional and his or her use of the epinephrine auto-injector must not constitute a high degree of negligence. Finally, with respect to a school employee or volunteer, the employee's or volunteer's school administrator or principal must provide written authorization for use of the epinephrine auto-injector.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2-8 (BAI)

1 SECTION 1. 118.29 (1) (bm) of the statutes is created to read:

2 118.29 (1) (bm) "Epinephrine auto-injector" means a device used for the  
3 automatic injection of epinephrine into the human body to prevent or treat  
4 life-threatening allergic reaction. AAI

2-6 (AAI)

5 SECTION 2. 118.29 (2) (a) 2m of the statutes is created to read:

6 118.29 (2) (a) 2m. May use an epinephrine auto-injector to administer  
7 epinephrine to any pupil who experiences a life-threatening allergic reaction if,  
8 before administering the epinephrine, the school bus operator, employee or volunteer  
9 reports the allergic reaction by dialing the telephone number "911" or, in an area in  
10 which the telephone number "911" is not available, the telephone number for an  
11 emergency medical service provider. 2-7 (AAI)

12 SECTION 3. 118.29 (2) (a) 3. of the statutes is amended to read:

13 118.29 (2) (a) 3. Is immune from civil liability for his or her acts or omissions  
14 ~~in administering a drug or, prescription drug or epinephrine to a pupil under subd.~~  
15 1. or 2. or 2m. unless the act or omission constitutes a high degree of negligence. This  
16 subdivision does not apply to health care professionals.

17 ~~SECTION 4. 118.29 (2) (b) of the statutes is amended to read:~~ AAI

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1 118.29 (2) (b) Any school district administrator, county children with  
2 disabilities education board administrator, cooperative educational service agency  
3 administrator, public or private school principal or private school administrator who  
4 authorizes an employee or volunteer to administer a drug ~~or~~, prescription drug or  
5 epinephrine to a pupil under par. (a) is immune from civil liability for the act of  
6 authorization unless it constitutes a high degree of negligence.

7 SECTION 5. 118.29 (4) of the statutes is amended to read:

8 118.29 (4) WRITTEN POLICIES. Any school board, county children with  
9 disabilities education board, cooperative educational service agency or governing  
10 body of a private school whose employees or volunteers may be authorized to  
11 administer drugs ~~or~~, prescription drugs or epinephrine to pupils under this section  
12 shall adopt a written policy governing the administration of drugs ~~and~~, prescription  
13 drugs and epinephrine to pupils. In developing the policy, the school board, board,  
14 agency or governing body shall seek the assistance of one or more appropriate health  
15 care professionals who are employees of the school board, board, agency or governing  
16 body or are providing services or consultation under s. 121.02 (1) (g). The policy shall  
17 include procedures for obtaining and filing in the school or other appropriate facility  
18 the written instructions and consent required under sub. (2) (a), for the periodic  
19 review of such written instructions, for the storing of drugs ~~and~~, prescription drugs  
20 and epinephrine auto-injectors, for record keeping and for the appropriate  
21 instruction of persons who may be authorized to administer drugs ~~or~~, prescription  
22 drugs or epinephrine to pupils under this section.

**ASSEMBLY AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 714**

February 22, 2000 - Offered by Representative WASSERMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 3: delete the material beginning with "to prevent" and ending  
3 with "reaction" on line 4.

4 **2.** Page 2, line 6: delete "May" and substitute "Except for epinephrine  
5 administered under subd. 2., may".

6 **3.** Page 2, line 7: delete "experiences a life-threatening" and substitute  
7 "appears to be experiencing a severe".

8 **4.** Page 2, line 14: delete that line and substitute "in administering a drug or  
9 prescription drug to a pupil under subd. 2".

10 **5.** Page 2, line 17: delete the material beginning with that line and ending with  
11 page 3, line 22.

12

(END)

**SENATE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 714**

March 21, 2000 - Offered by COMMITTEE ON EDUCATION.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 8: delete "before administering the epinephrine" and substitute  
3 "as soon as practicable".

4 (END)

2-8